



**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CERTIFIED FARMERS' MARKET ADVISORY COMMITTEE (CFMAC)
September 21, 2011 Meeting Minutes
2800 Gateway Oaks Drive, Sacramento, CA 95833**

MEMBERS PRESENT

Fred Ellrott, Chairman
Kurt Floren, Vice Chair
Russell Hall
Pompea Smith
Jacquelyne Byers
Silvia Prevedelli
Annika Knoppel
Carol Arnold
Karen Wetzel Schott
Mary Lou Weiss
Leah Smith
Dale Whitney
Ben Feldman
Michael Broadhurst
Amelia Saltsman
William Lewis

MEMBERS ABSENT

Diana Rodgers
Deborah Yashar
Jennifer McColm
Mark Anderson
Jeffrey Pylman

CDFA

Rick Jensen
Steve Patton
Susan Shelton
Brian Cote
Sarah Cardoni

INTERESTED PARTIES

Richard Price, CACASA
Irene Ng, CDPH WIC FMNP
Paula Griffin, CDPH WIC
Andrew Barbusca, WIC
Mark Sheridan, Montrose CFM
Lance Bingham, Napa County
Tracy Cleveland, Napa County
Naomi Greson, Napa County

ITEM 1: ROLL CALL

The meeting was called to order at 10:06 a.m. by Mr. Fred Ellrott, Chairman. Roll was called, introductions were made, and a quorum was established.

ITEM 2: APPROVAL OF MARCH 10, 2011 MEETING MINUTES

MOTION: Ms. Mary Lou Weiss moved to approve the March 10, 2011 Meeting Minutes with the correction of the spelling of Mr. John Silveira's name. Ms. Silvia Prevedelli seconded. The motion passed unanimously.

ITEM 3: APPROVAL OF AGENDA

MOTION: Ms. Amelia Saltsman moved to approve the agenda. Ms. Karen Wetzel Schott seconded. The motion passed unanimously.

ITEM 4: CDFA REPORTS

a. Committee Vacancies

Ms. Sarah Cardoni provided the Committee Vacancy Report. Vacancies include: eight alternate certified producers; one alternate certified farmers' market (CFM) manager; and two alternate major CFM representatives. Members whose terms will end on

January 22, 2012, and are eligible for reappointment are: Mr. William Lewis; Ms. Jennifer McColm; Ms. Mary Lou Weiss; Mr. Mark Anderson; and Mr. Dale Whitney. Members who will be terming out are Mr. Fred Ellrott, Mr. Russell Hall, and Ms. Pompea Smith.

Mr. Steve Patton discussed the Program's outreach efforts for prospective members of the Committee. Historically, the traditional outlets for publicizing committee vacancies such as current Committee members and CDFA press releases were used. The Secretary asked that extra steps and measures be taken to ensure diversity within this Committee. Mr. Patton asked the Committee to look within their industries and own organizations for potential outreach and education opportunities to broaden the diversity of the CFMAC. Additionally, the Program will work with different groups that are working specifically in various regions with minority farmers to enhance diversity.

b. Enforcement Progress

Ms. Susan Shelton provided the Enforcement Progress Report. She gave an overview of the CFM Enforcement and Cost Analysis Reports for the fiscal year (FY) 2010/11 Fourth Quarter and the FY 2011/12 First Quarter. The reports included information regarding visits to markets as well as production sites. Follow-up site visits were conducted if issues were found during a market visit. Seventeen non-compliances were issued for FY 2010/11 Fourth Quarter and 12 were issued for the FY 2011/12 First Quarter. Discussion ensued regarding the different types of violations that were listed as non-compliances.

c. Regulation Update

Mr. Patton provided the Regulation Update Report. He stated that a regulation package, which dealt with several minor changes mainly due to Assembly Bill (AB) 2168, was recently resubmitted to the Office of Administrative Law. The original statutes referenced that producers may only sell to consumers. However, AB 2168 changed language authorizing producers to sell to the public, those entities who may resell to the end user. In addition, the proposed regulations address the definition and the allowance of seasonings and flavorings.

Mr. Patton provided a brief report of Senate Bill (SB) 513, which is authored by Senator Cannella and is specifically designed to extend the sunset for the CFM Program. He stated that SB 513 is moving forward to extend the sunset that will reauthorize the CFM Program in its entirety for another two years. The Department is in the process of forming the Direct Marketing Ad Hoc Advisory Committee that will be composed of a broad-based representation of stakeholders. One of the charges identified for the Ad Hoc Committee is to review AB 2168 and to determine whether certain transactions are considered forms of direct marketing. The Ad Hoc Committee will be broken up into several subcommittees to review specific areas e.g. community supported agriculture, community gardens, and increasing food access via direct marketing.

ITEM 5: CA WIC PROGRAM - EBT

Mr. Andrew Barbusca, Manager of the Women, Infants, and Children (WIC) Program at the California Department of Public Health (CDPH), discussed issues regarding the Farmers' Market Nutrition Program (FMNP). The FMNP was established by Congress in 1992, to provide fresh, unprepared, locally grown fruits and vegetables to WIC participants, and to expand the awareness, use of, and sales at farmers' markets. The FMNP is administered through a Federal/State partnership in which the United States Department of Agriculture (USDA) Food Nutrition Service (FNS) provides cash grants to State agencies. The FMNP is administered by CDPH.

The FMNP is subject to audits by USDA. The check reconciliation process in place for fraud protection and connects the check to the program beneficiary who receives the check and the vendor who accepts the check for goods. This program is currently 75 percent compliant with its check reconciliation process, but USDA expects 100 percent compliance. He stated that an option being explored to gain 100 percent compliance is to replace the current FMNP check system with a process similar to the WIC check, which is produced on site and reconciled through VWIX (Vendor WIC Information Exchange). The program is in jeopardy of losing its USDA funding if 100 percent compliance is not reached.

Mr. Ben Feldman stated that one major issue regarding that process is that WIC recipients cannot spend one entire voucher at one produce stand. For farmers, having to wait 24 hours to authenticate the check is problematic. Ms. Pompea Smith agreed that the process is too time consuming for farmers to reconcile the checks.

Mr. Barbusca stated that this process would eventually go to an electronic benefit transfer (EBT) system. Before this can take place, the program must gain 100 percent compliance with its check reconciliation process.

ITEM 6: ADDITION OF POULTRY TO CERTIFICATION

Ms. Jacquelyne Byers provided the Committee with a presentation regarding poultry in CFMs. She stated that because poultry is not a certifiable product, there is no verification of poultry being sold at CFMs and that verification of poultry is simple and should occur. Furthermore, poultry should be a certifiable product in order for verification purposes. Ms. Byers stated that this was a consumer safety and integrity issue.

Mr. Kurt Floren stated that an issue with poultry is that it crosses many jurisdictions and there is no one department that handles poultry exclusively. County Agriculture Commissioners (CAC) are able to verify the source of poultry when it is being sold in the CFM as a non-certifiable product. But, due to the lack of county funding, CACs are more than likely not going to verify poultry.

Ms. Karen Wetzel Schott stated that market managers should be able to contact someone in regard to poultry being sold at a CFM. There are safety concerns with

poultry and there should be guidance from both the CDPH and CDFA to assist market managers.

Mr. Patton stated that the Direct Marketing Ad Hoc Advisory Committee will be discussing this topic. Other CDFA departments will be involved in the discussion. Any recommendation from that group will be directed to the CFMAC for review.

ITEM 7: COMMITTEE POLICY II 2.8

Mr. Patton provided the Committee Policy II 2.8 Report. This CFMAC policy states that if a member were to be absent for three meetings unexcused, the CFMAC has the right to recommend the removal of that member. All members are in compliance with this policy.

ITEM 8: CHAIRMAN'S REPORT

Mr. Ellrott provided the Chairman's Report. He stated that AB 513 provided a two-year window that has already begun. Industry needs to provide input and make collective decisions in regard to CFMs before the opportunity passes.

ITEM 9: NEW BUSINESS

Ms. Smith discussed the Farm Audit Program that the Agriculture Institute of Marin has implemented. She stated that the program could be a possible model for the CFMAC to consider for the improvement of the integrity of CFMs.

ITEM 10: MEMBER ROUNDTABLE DISCUSSION

Mr. Ellrott opened the Member Roundtable Discussion.

Mr. Lewis stated that consumers should be able to identify the certifiable and the non-certifiable sections of the CFM. There needs to be a uniform separation that sets the certified section apart from the non-certifiable section so that customers can easily recognize that separation.

Ms. Prevedelli brought up the concern of the claim "no spray" at CFMs. Mr. Patton stated that the term "spray" is pertaining to an application process and can give the perception to the customer of being organic when it is in fact a conventional product. Market managers have the ability to prohibit the use of that term in their market rules. Furthermore, if producers are making the claim "pesticide free" and there are beliefs that the product is conventional, CDFA can investigate those claims.

Mr. Richard Price, Butte CAC, announced to the Committee that Butte County recently conducted a pilot project that utilizes the global positioning system (GPS) and photographed every certified producer's property in order to create digital profiles that include their load lists. He stated that this electronic database has become a useful tool for his county.

Mr. Patton presented resolutions for Mr. Russell Hall, Ms. Pompea Smith, and Mr. Fred Ellrott, members of the CFMAC who will term out in January 2012.

ITEM 11: NEXT MEETING/AGENDA ITEMS

The next meeting will be held on March 14, 2012.

MOTION: Ms. Wetzel Schott motioned to adjourn the meeting. Ms. Byers seconded the motion. The meeting was adjourned at 1:28 p.m.

Respectfully submitted by:



Sarah Cardoni, Office Technician
Inspection and Compliance Branch
Inspection Services